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10  
11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE EASTERN DISTRICT OF CALIFORNIA  
13

14 **THE TWO HUNDRED FOR**  
15 **HOMEOWNERSHIP, a California**  
16 **Nonprofit Public Benefit Corporation,**  
17 **ROBERT APODACA, an individual, and**  
18 **JOSE ANTONIO RAMIREZ, an individual,**

19 Petitioner and Plaintiff,

20 v.

21 **CALIFORNIA AIR RESOURCES BOARD,**  
22 **STEVEN S. CLIFF, in his official capacity,**  
23 **and DOES 1-25,**

24 Respondents and  
25 Defendants.  
26  
27  
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No. 1:22-cv-01474-ADA-BAM

**STIPULATION AND ~~PROPOSED~~**  
**ORDER RE CONTINUANCE OF**  
**MANDATORY SCHEDULING**  
**CONFERENCE**

Scheduling Conference

Date: September 12, 2023

Time: 8:30 a.m.

Courtroom: 8

Judge: Barbara A. McAuliffe

Trial Date: None set

Action Filed: November 14, 2022

1 WHEREAS, on March 7, 2023, Respondents filed a motion to dismiss under Rule 12(b) of  
2 the Federal Rules of Civil Procedure with regard to all of the claims asserted by Petitioners  
3 herein;

4 WHEREAS, on March 8, 2023, subsequent to the filing of Respondents' motion to dismiss,  
5 the Court continued the scheduling conference that was previously set for May 11, 2023 until  
6 September 12, 2023;

7 WHEREAS, as of the filing of this stipulation, the Court has not yet ruled on Respondents'  
8 motion to dismiss;

9 WHEREAS, the Parties previously have met and conferred regarding the matters to be  
10 discussed at the scheduling conference, including such related matters as the extent to which the  
11 claims asserted by Petitioners might properly be decided based on an administrative record, the  
12 preparation of the administrative record and anticipated timing for completion of the record, the  
13 possible need for discovery on any non-record based claims, and the appropriate timing of such  
14 discovery relative to the Court's decision regarding the record-based claims; and

15 WHEREAS, the Parties agree that they will be in a better position to discuss and come to an  
16 agreement regarding these and other scheduling matters after the Court has ruled on Respondents'  
17 motion to dismiss.

18 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE that the  
19 scheduling conference currently set for September 12, 2023 should be continued for a period of  
20 three months, or to the Court's earliest available date thereafter.

21 Dated: August 31, 2023

22 ROB BONTA  
Attorney General of California

23 /s/ John S. Sasaki

24 JOHN S. SASAKI  
25 Deputy Attorney General  
26 *Attorneys for Respondents/Defendants*  
27 *California Air Resources Board et al.*  
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1 Dated: August 31, 2023

HOLLAND & KNIGHT LLP

3 /s/ Brian C. Bunger (as authorized on August  
4 30, 2023)

5 BRIAN C. BUNGER  
6 *Attorneys for Petitioners/Plaintiffs The Two  
7 Hundred for Homeownership et al.*

8 **ORDER**

9 Based on the foregoing stipulation of the parties, and for good cause shown, the scheduling  
10 conference in the above-captioned action which is currently scheduled for September 12, 2023 at  
11 8:30 a.m. is hereby continued to **December 12, 2023, at 9:00 AM in Courtroom 8 (BAM)**  
12 **before Magistrate Judge Barbara A. McAuliffe**. The parties shall file a Joint Scheduling  
13 Report one week prior to the conference. The parties shall appear at the conference with each  
14 party connecting remotely either via Zoom video conference or Zoom telephone number. The  
15 parties will be provided with the Zoom ID and password by the Courtroom Deputy prior to the  
16 conference. The Zoom ID number and password are confidential and are not to be shared.  
17 Appropriate court attire required. NOTE: Defendants' Motion to Dismiss (Doc. 15) remains  
18 pending.

19 IT IS SO ORDERED.

20 Dated: **September 1, 2023**

21 /s/ *Barbara A. McAuliffe*  
22 UNITED STATES MAGISTRATE JUDGE  
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